

REMARKS

The above-identified application is United States application serial number 10/668,888 filed on September 22, 2003. Claims 1-27 are pending in the application. Claims 1-7, 9-19 and 21-26 are rejected. Applicant notes with appreciation that claims 8, 20, and 27 are objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

Claims 18-22 and 26 are objected to because of the following informalities: Claims 18-22 depend from claim 1 however, claims 18-22 refer back to a method claim and claim 1 is a system claim. In response, Applicant has amended claim 18 to depend from claim 14.

Claim 26 is objected to as missing a period "." at the end of the claim. In response, Applicant has amended claim 26 to include a period "." at the end of the claim. In addition, claim 26 has been amended to replace "schema" with --data model-- to be consistent with the antecedent provided in claim 23.

Removal of the objections to Claims 18-22 and 26 is respectfully requested.

Rejection of Claims Under 35 USC §101

Claim 4-10, and 13 are rejected under 35 U.S.C. §101 because the claims need to insert prior to "computer executable instructions" -- computer readable volatile or non-volatile media storing -- and inserting after "computer executable instructions" -- which when executed by a computer --. Applicant notes that Section 2601.01(I) of the Manual of Patent Examining Procedure recites

"Computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs

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when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory."

Applicant therefore believes that since claims 4-10 and 13 are part of an otherwise statutory article of manufacture or machine, they do not need to be amended to qualify as statutory subject matter. Removal of the rejection of claims 4-10 and 13 under 35 U.S.C. §101 is respectfully requested.

Rejection of Claims Under 35 USC §102

Claims 1-7, 9-19, and 21-26 are rejected under 35 U.S.C. §102(e) as being anticipated by Slipp *et al.* (200510086325 A1) hereinafter "Slipp". Independent claim 1 recites

"a packet reader configured to scan packets transmitted through a network for pre-specified criteria, wherein the packets include endpoint information and data;
a request/response matcher configured to receive packets that meet the pre-specified criteria from the packet reader, and to match request packets with corresponding response packets; and
a message analyzer configured to access the matched packets, determine the structure utilized in the data of the matched packets, and to analyze the data of the matched packets to generate at least a portion of a model of the data."

Independent claim 23 recites:

"means for intercepting packets prior to delivering the packets to their destination, wherein the packets include headers with endpoint information, and data;
means for determining whether the packets match a pre-defined criteria; and
means for generating at least a portion of a data model for the data in the packets that match the pre-defined criteria."

In contrast, Slipp does not "determine the structure utilized in the data of the matched packets, and to analyze the data of the matched packets to generate at least a portion of a model of the data." Slipp also does not include "means for generating at least a portion of a data model for the data in the packets that match the pre-defined criteria." Instead, Slipp discloses a content/phase insertion device

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(C/PID) that (1) inserts content into existing content destined for a client, and/or (2) delivers content to a client while that client is waiting to receive other content that the client has requested. (Slipp, para. [0019]). The C/PID can monitor the last sequence number of the packet stream and potentially other details such as the source host, source port, last ACK sequence number, destination port, or the destination host. (Slipp, para. [0025]). The C/PID may further monitor communication between server and client and, when those communications match an appropriate ruleset, the C/PID may insert data into appropriate packets or packet streams. (Id.) According to Slipp, the C/PID inserts itself into the HTTP handshake process by intercepting a SYN request from a client, sends the SYN request (or its own SYN request) to the server, receives the ACK message from the server along with a SYN request to open a connection, and sends an ACK the client's original SYN request along with a request to open a connection to the client. (Slipp, para. [0028]). When the server responds to the C/PID (or client) with the requested data, the C/PID may send the same data to the client, or may add additional data. (Slipp, para. [0030]). A filter table contains a list of addresses and other packet header details, which, if matched with a received packet, will cause the C/PID to examine the packet in detail. (Slipp, para. [0046]). A content configuration table contains all of the rule information for each rule added to the C/PID. (Slipp, para. [0047]). Each rule may have multiple search and match results and certain defined criteria that must be matched before a content insertion or phase insertion may take place. (Slipp, para. [0048]). Once the packets in Slipp match a rule, the C/PID may insert content in the packet, but the C/PID does not perform the functions set forth in claim 1 or claim 13. In particular, the cited portions of Slipp do not disclose or suggest that the C/PID determines the structure utilized in the data of the matched packets, nor does the C/PID analyze the data of the matched packets to generate at least a portion of a model of the data, as recited in claim 1. Nor does Slipp disclose or suggest "means for generating at least a portion of a data model for the data in the packets that match the pre-defined criteria" as set forth in claim 23. Claims 1 and 23 are distinguishable from Slipp for at least these reasons.

Claims 2-13 and 23-27 depend from claims 1 and 23, respectively, and include features that further distinguish them from the prior art. For example,

claim 5 recites "computer executable instructions configured to provide information regarding the matched packets to an application program in the network." Claim 6 recites "computer executable instructions configured to provide information regarding the matched packets to a network administration facility for the network." In contrast, the cited portion of Slipp discloses checking IP address information in the packets to determine whether or not to insert content into the packet. (Slipp, paras. [0067]-[0068]). Slipp does not disclose or suggest that information regarding the matched packets is provided to an application program. Rather, Slipp teaches forwarding the packets themselves to a process depending on the packet type. Id. The packets forwarded in Slipp do not include any information regarding matched packets. Claims 5 and 6 are distinguishable from Slipp for at least these additional reasons.

As another example, claim 7 recites "computer executable instructions configured to validate the data in subsequent packets based on the data model." As discussed hereinabove for claim 1, the cited portions of Slipp do not disclose or suggest that the C/PID determines the structure utilized in the data of the matched packets, nor does the C/PID analyze the data of the matched packets to generate at least a portion of a model of the data. Slipp therefore does not validate the data in subsequent packets based on the data model because there is no data model. Claim 7 is further distinguishable from Slipp for at least these reasons.

As another example, claim 13 recites "computer executable instructions configured to combine the data from a plurality of related packages to form a message." In contrast, the cited portions of Slipp do not disclose or suggest these features. Instead, Slipp discloses a content/phase insertion device (C/PID) that monitor packets and to perform content insertion or phase insertion when particular request or response packets match rules that may be predetermined. (Slipp Figure 7 and paragraphs [0050] to [0067]). Claim 13 is further distinguishable from Slipp for at least these reasons.

As a further example, claim 25 recites "means for combining the data from a plurality of related packages that meet the pre-defined criteria to form a message, means for validating the message based on the data model, and means

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for preventing unvalidated messages from being transmitted to their destination." The cited portion of Slipp discloses a filter table that contains a list of addresses and other packet header details, which, if matched with a received packet, will cause the C/PID to examine the packet in detail. (Slipp, para. [0046]). A content configuration table contains all of the rule information for each rule added to the C/PID. (Slipp, para. [0047]). Each rule may have multiple search and match results and certain defined criteria that must be matched before a content insertion or phase insertion may take place. (Slipp, para. [0048]). A management table contains information about the basic operation of the C/PID device in its current network environment, such as the local network and netmask, the local gateway IP address, and access security information for obtaining access to the C/PIDs management system and configuration. (Slipp, para. [0049]). Slipp does not generate a data model and therefore does not validate the message based on the data model or prevent unvalidated messages from being transmitted to their destination. Claim 25 is further distinguishable from the cited reference for at least these reasons.

CONCLUSION

Applicants believe all remaining claims are in form for allowance and a notice to that effect is solicited. No new matter has been added. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 350-7301.

I hereby certify that this correspondence is being electronically transmitted to the USPTO on the date shown below:

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